

REMARKS

No new matter is added by this amendment. The present application is a continuation application of U.S. Patent Application Serial No. 09/654,458 filed September 1, 2000. In a prior amendment claims 1-15 were cancelled and new claims 16-38 were added. In a prior amendment, claims 16 and 33 were amended, claim 20 was cancelled, and new claim 39 was added. Claims 16, 22, 23 27-29, and 37-38 stand withdrawn. The claims remaining in consideration are claims 16-39.

Applicants respectfully assert that the present final office action does not meet the requirements of MPEP 707.07(i) which requires that each claim be mentioned in each office action. Specifically, the Examiner has not, in either the present final office action or in the first office action dated September 2, 2006 provided any indication of the status of dependent claim 30.

In a first office action dated April 20, 2005, the Examiner issued, in essence, two Restriction Requirements. The first Restriction Requirement was based on the distinction between an injection nozzle (Claim Group I, including claims 16-22 and 24-36) and a method of assembling an injection nozzle (Claim Group II, including claims 23, 37, and 38). The second Restriction Requirement was based on different embodiments, as shown in the Figures, identified as Species A-E [sic].

In response, applicants elected (with traverse) Claim Group I and the second Species E (or Species F). Furthermore, applicants asserted that at least claims 16-21, 24-26, and 30-36 read on the selected species. *Thus, both the elected group and the selected species included claim 30.*

In the second office action (dated September 2, 2005), the Examiner indicated on the Summary that claims 22, 23, 27-29, 37 and 38 were withdrawn and claims 16-21, 24-

26, and 31-36 were rejected, i.e., claim 30 was not included in this list. *The Detailed Action also did not include a reference as to the status of claim 30.*

In a response filed December 1, 2005, applicants recognized this omission and since no prior art rejection was made with respect to claim 30, assumed the Examiner intended to indicate that claim 30 was allowable.

An action dated February 23, 2006 indicated that the December 1, 2005 response was non-compliant, and a compliant response was filed on April 24, 2006. This response also made note of the Examiner's omission and assumed the Examiner intended to indicate that claim 30 was allowable.

On July 6, 2006, the present final office action was mailed. *Again, the present final office action also fails to make any mention of claim 30.*

Thus, the Examiner has failed to meet the requirements of MPEP 707.07(i) in both the September 2, 2005 office action and the July 6, 2006 final office action. ,

Applicants respectfully assert that the present application is in condition for allowance (see below). However, if the Examiner disagrees, Applicants respectfully request a new non-final office action be issued fully addressing claim 30 and indicating its status.

The Examiner objected to previously submitted proposed Figures 4 and 5 for containing new matter. This objection is respectfully traversed.

New Figure 4 shows a nozzle body 10 which includes a coating 14a of higher thermal conductivity as in Figure 3. The portion of the nozzle body 10 which is uncoated in Figure 3 is coated with a material 14b which has a lower thermal conductivity than the thermal conductivity of the nozzle body 10. This is fully taught in the paragraph beginning on page 9, line 8 which has been amended (above) to reference new Figure 4.

The nozzle body 10 of Figure 4 also includes a further coating or layer 14c which has a higher thermal conductivity of the nozzle body 10 is applied to the first coating 14a. This additional coating or layer 14c is fully taught in the paragraph beginning on Page 9, line 22 which has been amended to include references to new Figures 4 and 5.

New Figure 5 shows a nozzle body 10 which has a first coating 14'a similar to the coating shown in Figure 1 or 3. The first coating 14a has a lower thermal conductivity than the thermal conductivity of nozzle body 10. A further coating 14d is applied to the first coating 14'a. The further coating 14d has a higher thermal conductivity than the thermal conductivity of the nozzle body. This is fully taught and supported by the paragraph beginning on Page 9, line 22 which has been amended to include references to new Figure 5.

As detailed above, new Figures 4 and 5 being fully supported by the specification, applicants respectfully request that the new matter rejection be withdrawn.

The proposed drawings were objected to because they included reference numbers not mentioned in the description. The specification has been amended to include the missing reference numbers. Therefore, applicants respectfully request that the second drawing objection be withdrawn.

The drawings were objected to because they do not include the multi-layer structure recited in claim 24 or the additional substrate of material recited in claim 36. Applicants believe that they have overcome the Examiner's objections with respect to the previously submitted proposed new Figures 4 and 5. New Figures 4 and 5 clearly show these element and structure and are fully supported by the specification. Therefore, applicants respectfully request that the object to the drawings be withdrawn.

Claims 24-26 and 31-35 were rejected under 35 USC §102(b) as being anticipated by Susumu. This rejection is respectfully traversed.

Independent claim 24 sets forth an injection nozzle for use in delivering fuel to a combustion space. The injection nozzle includes a nozzle body. At least a part of the nozzle body is provided with a first coating and a further coating. The further coating is applied to at least part of said first coating to form a multi-layer coating. The multi-layer coating arranged so as to reduce the temperature of at least a part of the nozzle body.

Susumu discloses a fuel injection valve which aims to solve the problem of the accumulation of deposits on the surface of an injection nozzle part. Figure 1 shows a valve 1 with a fluorine material layer 36 shown directly on an injection nozzle part 31. Figure 2 shows a nozzle part 31 which includes a cutout region surround the nozzle tip. The cutout region includes an insert 37. The bottom surface of the insert 37 and the bottom surface of the nozzle part 31 are in the same plane and thus the insert and the nozzle part 31 form a compound nozzle part. The fluorine material layer 36 is formed on the portion of the nozzle part 31 formed by the insert 36.

Contrary to the Examiner's position, there is no indication or teaching within the drawings and or English language Abstract of Sumumu that the insert 37 is a coating. Therefore, applicants respectfully asserts that since Sumumu does not include each and every element of independent claim 24, the §102(b) rejection of claim 24 is improper and must be withdrawn.

Claims 25-26, 31-35, 39 and withdrawn claims 27-29 are ultimately dependent upon allowable claim 24. Therefore, for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 25-35 and 39 are also allowable.

It should be noted that with respect to dependent claim 20, as with dependent claim 30, it was included in the claims provisionally elected by the applicants, was never identified by the Examiner as being withdrawn, and was never rejected based on prior art. Claim 20 was rejected under 35 USC §112, which Applicants addressed.

Claims 16-18 were previously rejected under 35 USC § 102(b) as being anticipated by EP 0 828 075 (Matsushita). Independent claim 16 was amended to include dependent claim 20.

Since the Examiner has not repeated the rejection, nor otherwise rejected independent claim 16, applicants respectfully assume that the Examiner has withdrawn this rejection and otherwise agrees that amended independent claim 16 is allowable.

The Examiner has simply continued to indicate that independent claim 16 is withdrawn despite it having been amended to include non-withdrawn claim 20.

Applicants respectfully assert that allowable independent claim 24 is generic to amended independent claim 16, and thus, independent claim 16 and dependent claims Claims 17-18 and 22-23 are allowable.

Dependent claim 36 was rejected under 35 USC §103(a) as being unpatentable over Susuma in view of US Patent 5,987,882 issued to Voss et al ("Voss"). This rejection is respectfully traversed. Claim 36 is dependent upon allowable independent claim 24. Voss does not overcome the shortcoming of Susumu with respect to independent claim 24. Therefore, based on the above, and based on its own merits, applicants respectfully assert that dependent claim 36 is also allowable.

All of the Examiner's objections and rejection having been successfully overcome or made moot, applicants respectfully assert that the present application is now in condition for allowance. An early notice of allowance is solicited.

Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys.

Respectfully submitted,

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Dated: August 1, 2006